

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

In Re Daniel Bernardin

Appellant Daniel Bernardin

(b) Attorneys (Firm Name, Address, and Telephone Number)
Daniel Bernardin - Acting As His Own Lawyer
27 B Hendrickson Avenue
Hempstead, New York 11550

DEFENDANTS

Appellees

EXR LLC

Appeared in Bankruptcy as Retained Realty LLC not
Retained Realty, Incorporated please correct
Emigrant Bank

Attorneys (If Known)
The Margolin & Weinberg Law Group, LLC, 165 Eileen Way, Suite
101, Syosset, NY 11791 & attorney Georgia Papzias, 118-35 Queens 9th
Floor, Forest Hills, NY 11375 & Emigrant Bank no appearance made

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITING A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTION STATUTES UNLESS DIVERSITY)

Appeal from Bankruptcy Court EDNY pursuant to Title 28 USC Section 158

V. ORIGIN (Place an "X" in One Box Only)

- ☒ Original Proceeding
- ☐ Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE Robert E. GrossmanDOCKET NUMBER 8-15-72628-reg BK Ct.

DATE

03/01/2021

SIGNATURE OF ATTORNEY OF RECORD

D. Bernardin

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

12:06 Hd MAG. JUDGE

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?
☐ Yes ☒ No

2.) If you answered "no" above:

a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☒ Yes ☐ No

b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?
☒ Yes ☐ No

c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:
Nassau County ☒

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☐ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☐ Yes ☐ No

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☐ No

I certify the accuracy of all information provided above.

Signature: 

Information to identify the case:			
Debtor 1:	Daniel Bernardin		
	First Name	Middle Name	Last Name
Debtor 2:			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court: Eastern District of New York			
Case number:	8-15-72628-reg		
Social Security number or ITIN:		xxx-xx-1626	
EIN:		-----	
Social Security number or ITIN:		-----	
EIN:		-----	
Date case filed for chapter:		7 6/19/15	

NOTICE OF APPEAL DEFICIENCY NOTICE

To: Daniel Bernardin

The Notice of Appeal filed by you on **January 21, 2021**, was deficient in the following respects(s):

☒ Civil Cover Sheet Not Submitted.

☐ Other:

Dated: January 22, 2021

For the Court, Robert A. Gavin, Jr., Clerk of Court

BLappealdef1.jsp [Notice of Appeal Deficiency Notice rev. 02/24/2020]

United States Bankruptcy Court
Eastern District of New York

In Re:

Case No. 8-15-72628-reg
Chapter 7

Daniel Bernardin
27 B Hendrickson Avenue
Hempstead, NY 11550

2021 JAN 21 P 3:20
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Notice of Interlocutory of Appeal
of Bankruptcy judge Robert E. Grossman's
Denial of Petitioner Daniel Bernardin's
Emergency Order to Show Cause
Application Requesting A Stay or
Restraining Order Until this OSC Motion
and the Motion to Vacate state Court judge
Anna Z. Anzalone's False and Fraudulent
Order and judgement dated 04/02/2018 and
entered on 04/18/2018 and state Court judge
Dicca T. Pineda-Kirwan's False and
Fraudulent Order and judgment dated
11/06/2020 and entered on 11/12/2020 is Fully
Adjudicated with a T.R.O. on the Eviction
Order dated 06/04/2018 and Writ of
Assistance to Nassau County Sheriff to evict
the Petitioner Daniel Bernardin

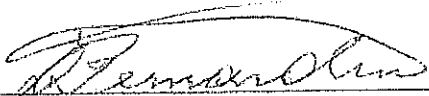
Social Security Number
xx-xx-1626

Debtor(s)

Please take notice that the petitioner Daniel Bernardin in the above-entitled Federal Bankruptcy case the Petitioner Daniel Bernardin appeals via interlocutory appeal the Order of Bankruptcy judge Robert E. Grossman dated December 30, 2020 denying the Petitioner Daniel Bernardin's **Emergency Order to Show Cause Application Requesting A Stay or Restraining Order Until this OSC Motion and the Motion to Vacate state Court judge Anna Z. Anzalone's False and Fraudulent Order and judgement dated 04/02/2018 and entered on 04/18/2018 and state Court judge Dicca T. Pineda-Kirwan's False and Fraudulent Order and judgment dated 11/06/2020 and entered on 11/12/2020 is Fully Adjudicated with a T.R.O. on the Eviction Order dated 06/04/2018 and Writ of Assistance to Nassau County Sheriff to evict the Petitioner Daniel Bernardin** to the appropriate United States District Court (Eastern District of New York) or Bankruptcy Appellate Panel as soon as possible for hearing and adjudication and granting of the Petitioner Daniel Bernardin's **Emergency**

Order to Show Cause Application Requesting A Stay or Restraining Order Until this OSC Motion and the Motion to Vacate state Court judge Anna Z. Anzalone's False and Fraudulent Order and judgement dated 04/02/2018 and entered on 04/18/2018 and state Court judge Dicca T. Pineda-Kirwan's False and Fraudulent Order and judgment dated 11/06/2020 and entered on 11/12/2020 is Fully Adjudicated with a T.R.O. on the Eviction Order dated 06/04/2018 and Writ of Assistance to Nassau County Sheriff to evict the Petitioner Daniel Bernardin based on the facts and law and *United States Bankruptcy Laws*. I, the Petitioner Daniel Bernardin has paid the required Court fees for full due process of this Notice of Interlocutory Appeal; appealing Bankruptcy judge Robert E. Grossman's denial of Stay or Restraining from Eviction of 74-year-old disabled senior citizen suffering from COPD and Asthma and emphysema requiring me to be on constant oxygen from an oxygen tank right now and contested heart failure along chronic medical illnesses.

Dated: 01/21/2021



Petitioner Daniel Berndarin
27 B Hendrickson Avenue
Hempstead, New York 11550

Affidavit of Service

U.S. Bankruptcy Court Eastern District of New York Case No. 8-15-72628-reg

New York State)

)ss.:

Nassau County)

I, Nehemiah Rolle, Jr being duly sworn deposes and

says:

On 21 day of January, 2021 I, Nehemiah Rolle, Jr personally served on behalf of Petitioner Daniel Bernardin copies of the **Notice Motion of Interlocutory of Appeal of Bankruptcy judge Robert E. Grossman's Denial of Petitioner Daniel Bernardin's Emergency Order to Show Cause Application Requesting A Stay or Restraining Order Until this OSC Motion and the Motion to Vacate state Court judge Anna Z. Anzalone's False and Fraudulent Order and judgement dated 04/02/2018 and entered on 04/18/2018 and state Court judge Dicca T. Pineda-Kirwan's False and Fraudulent Order and judgment dated 11/06/2020 and entered on 11/12/2020 is Fully Adjudicated with a T.R.O. on the Eviction Order dated 06/04/2018 and Writ of Assistance to Nassau County Sheriff to evict the Petitioner Daniel Bernardin** by U.S. Postal Priority Mail Signature Confirmation on the Attorney for EXR LLC, The Margolin & Weinreb Law Group LLP, 165 Eileen Way, Syosset, New York 11791 and on the attorney for Retained Realty, Incorporated, Howard S. Levine 118-35 Queens Blvd, 9th Floor, Forest Hills, New York 11375 and on Emigrant Bank, 5 East 42nd St, NY, NY 10017 and on EXR LLC, 25 Pearlman Drive, Station 23-2, Spring Valley, New York 10977 and on Retained Realty Incorporated 5 East 42nd Street, New York, NY 10017 by personal service on the Clerk of the Court for U.S. Bankruptcy Court Eastern District of New York, 290 Federal Plaza, Central Islip, New York 11722.

Nehemiah Rolle, Jr
Deponent

Sworn to before me this

21 day of January, 2021

[Signature]

Notary Public



From: Daniel Bernadine
21 B Hendrickson Avenue
Hempstead, NY 11550
Federal Case No. 2:21-cv-00382 - WFK

21 APR -1 PM 9:22

U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Clerk of the Court

U.S. District Court —

Eastern District of New York

225 Cadman Plaza East

Brooklyn, NY 11201

